
Michigan Commission on Law Enforcement Standards
Special Commission Meeting Minutes
December 9-10, 2001
Sheraton Hotel – Lansing, Michigan

MCOLES MEMBERS PRESENT:

Officer Richard Weaver, representing the Detroit Police Officers Association
Sheriff Henry Zavislak, representing the Michigan Sheriffs' Association
Sheriff Tom Edmonds, representing the Michigan Sheriffs' Association
Chief Jeffrey Werner, representing the Michigan Association of Chiefs of Police
Director Robert Denslow, representing the Michigan Association of Chiefs of Police
Mr. William Dennis, representing the Attorney General's Office
Chief James St. Louis, representing the Michigan Association of Chiefs of Police
Sheriff Gary Rosema, representing the Michigan Sheriffs' Association
Major Marie Waalkes, representing the Michigan State Police
Mr. John Buczek, representing the Fraternal Order of Police
Trooper Timothy Permoda, representing the Michigan State Police Troopers Association
Chief Charles Wilson, representing the Detroit Police Department (December 10, 2001)
Mr. Jim DeVries, representing the Police Officers Association of Michigan
Mr. Douglas Mulkoff, representing the Criminal Defense Attorneys of Michigan

MCOLES MEMBERS EXCUSED:

Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan

COMMISSION STAFF PRESENT:

Mr. Raymond Beach, Executive Director	Mr. William Nash
Ms. Theresa Hart	Ms. Cheryl Hartwell (December 9, 2001)
Mr. Mark Meadows, Commission Counsel	

GUESTS:

Dr. Lewis Bender, Facilitator

CALL TO ORDER:

The Commission Meeting was called to order by Chairman Gary Rosema at 12:09 p.m. on December 9, 2001, at the Sheraton Hotel in Lansing, Michigan.

INTRODUCTIONS:

Chairman Rosema welcomed everyone to the Commission meeting and asked that all the Commissioners introduce themselves. He explained that he appreciated the opportunity to be able to serve as the Commission Chair.

PUBLIC FORUM/COMMENT:

There was no Public Comment.

LIST OF AGENDA ITEMS:

Chairman Rosema announced that the agenda items for both December 9-10, 2001, would be as follows with some flexibility:

December 9, 2001

- Expectations of Board, Executive Director, and Staff
- Creating a Vision
- Developing Goal Areas
- Act 302 Grant Allocation Process – Role Play
- Team Development Exercise

December 10, 2001

- Grant Process
- Creation of By-laws
- Creating a Board Structure/Staff Relationship to Support Goals
- Meeting Schedule for 2002
- Meetings Content
- Identification of Major Initiatives/Goals Over the Next Year

ADDITIONS TO THE AGENDA:

There were no additions to the agenda.

NEW BUSINESS:

Expectations of Board, Executive Director, and Staff – Dr. Lewis Bender, facilitator, explained that in order to operate effectively as a Commission they should discuss their expectations of each other, Mr. Ray Beach, and his staff. Dr. Bender broke the Commission out into two groups to discuss the following questions: 1. What should you expect of each other? 2. What do you expect of Mr. Beach and his staff?

The following were points of discussion for question number one (expectations of each other):

- Respect, openness, honesty, courtesy, and cooperation
- Commitment to the profession
- Supportive of the decisions of the board
- Ability to express opinions without repercussions
- Pull together and work out differences
- Keep bias in check
- Avoid alliances
- Good attendance and preparedness
- Should not undermine another Commission member in front of an audience
- Understand that if a member is out of line; the Chair has the right to step in

The following were points of discussion for question number two (expectations of Mr. Beach and staff):

- Professional, competent, impartial, responsive, and creative problem solvers
- Prepared, supportive, and cohesive staff
- Frequent communication with the Commission and the field
- Commitment to the goals and policies the Commission endorses
- Candid and open
- Competent work, reliable and timely
- Loyal to the mission of the organization
- Executive Director would serve as screen and mediator
- Staff would provide their professional opinions and serve as a ready resource

In addition, the Commission also discussed that the staff should be more active in the decision making process on some Commission issues. Sheriff Hank Zavislak stated that he had attended a Michigan Justice Training Commission (MJTC) Meeting and felt that several of the items on the agenda could have been handled at the staff level. Major Marie Waalkes added that if the Commission were to provide policy and guidelines to the staff they would be able to make recommendations regarding certain issues.

Creating a Vision and Developing Goal Areas – Dr. Bender asked the Commission to look at law enforcement standards throughout Michigan and MCOLES involvement in those processes. What kinds of things would you see if you were to look into the future three to five years from now? Dr. Bender had the Commission break out into two groups for discussion and the following 3-5 year vision plan was outlined:

- Mandatory in-service training for police officers
- Reallocation of Training to Locals (TTL) Funding to support standards research and in-service training costs
- Police officer licensing (with certification card)
- More licensure control
- Broaden ability to police the profession
- Centralized background files on law enforcement officers
- Scenario based training
- Review content of basic training and continually update
- Control content of training
- Commission has a more affirmative role in Core standards
- Clear mission for Commission to avoid unfunded mandates
- Stable funding base (apolitical)
- Funding for all MCOLES mandates
- Increased staff
- Web-enabled registration process
- Proficiency standards to ensure officer competence
- Direct training funds to prioritized (mandated) areas
- 60% 302 funds spent only for MCOLES approved courses
- Adult based learning

The Commission discussed in detail the in-service training mandate and the 60% funds from Public Act 302. The discussions involved requiring anywhere from 16 to 24 hours of in-service training in a two-year period. It was determined that the 60% funds can be used by the law enforcement entities for any in-service training, not just mandatory training. The Commission felt that most of the agencies would use the funding for mandatory training even if it was not required. Many of the law enforcement agencies in Michigan belong to a consortium funded with the 302 monies.

The Commission discussed what the consequences would be to an agency or individual if they did not fulfill the in-service training mandate during the two-year time frame. It was decided that fair and enforceable sanctions would need to be determined.

Mr. Bill Nash explained the proposed MCOLES Philosophy/Vision developed by the staff's management team in September. The four areas outlined and discussed by the management team were: MCOLES Accreditation/Consortium Model, Technical Assistance and Development, Professional Mandatory Standards, and Criminal Justice System Coordination. The MCOLES Strategic Plan was used as a foundation for the development of this information.

The Commission members agreed that MCOLES' primary mission should be the development, coordination, and implementation of selection and training standards. At this time, it would not be practical to expand into other management functions (e.g. not providing a "Help Desk" for other areas of police management/administration).

Public Act 302 Grant Allocation Process and Role-Play – Mr. Mark Meadows explained the grant process to the Commission and stated that the new members would be reviewing the recommendations made by the former Commissions. The Governor's Executive Order Number 2001-5 transferred the statutory authority, powers, duties, functions and responsibilities of the Michigan Justice Training Commission (MJTC), the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund including those involving rulemaking, grant awards and annual distributions and including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in: Act No. 203 of 1965, as amended being Section 28.601 et seq. of the Michigan Compiled Laws; Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws.

Mr. Meadows stated that according to the MJTC Rules, the 60% monies must only be spent on in-service training for certified law enforcement officers. The Commission has the authority to audit how this money is spent by the law enforcement agencies. If a violation is discovered, the agency would reimburse the Commission and could be ineligible for future funding. The rules also state that the 40% money shall not be distributed to a professional association but clearly states that the Commission shall attempt to provide equity in funding for training programs for prosecutors and assigned criminal defense counsel.

Conflict of Interest – Mr. Meadows explained that all appointments made by the Governor are considered public officers and fall under the Standards of Conduct. This means Commission members shall not engage in negotiating regarding Commission activity. Under the statute it is clear that a Commission member should abstain from

voting on a grant where the association the member is appointed by or the member themselves would receive or benefit from the funding. In addition, if the grant applicant is an employee or relative of the Commission member, they should also abstain. If a member is in question on whether or not to abstain it is probably in their best interest to do so. During the Commission Meeting, the Chair will ask if anyone would like to abstain prior to the vote. The member could then raise their hand and state that they wish to abstain. A Commission member can, however, express their opinion as to the importance of a particular grant and then abstain. The individual does not need to offer an explanation as to why they are abstaining from the vote.

Ms. Cheryl Hartwell explained that staff had put together a sample package with a block of five fictitious grants. The Commission was asked to review those grants and staff members gave presentations in a role-playing exercise regarding their individual requests.

Mr. Ray Beach gave a brief overview of the grant application process. He explained that applicants are given a copy of the grant guidelines and offered the opportunity to answer questions during yearly workshops that are conducted around the state by staff. Applicants must submit their grants by July 31st every year. The grants are split into groups of three and staff are assigned for initial review to ensure that they meet the guidelines. The Commission then splits up into three committees each with a staff member assigned to them to review the grants and make recommendations to the rest of the Commission.

A course of action regarding the December 13, 2001, meeting on interim grant action was discussed. No notifications will be sent to the grant applicants regarding recommended cuts. A spreadsheet will be distributed at the beginning of the meeting on the 13th outlining the recommended grant awards. At the completion of the meeting, the Commission will give the staff a course of action for grant modifications (if needed) and ask them to return with recommendations at the December 20, 2001, meeting.

ADJOURNMENT:

A **MOTION** was made by Sheriff Hank Zavislak and supported by Major Marie Waalkes to adjourn the meeting at 9:20 p.m.

A **VOTE** was taken. The **MOTION** carried.

CALL TO ORDER:

The Commission Meeting was called to order by Chairman Gary Rosema at 8:00 a.m. on December 10, 2001, at the Sheraton Hotel in Lansing, Michigan.

Mr. Bill Nash gave a brief overview of the MCOLES Strategic Plan. In March of 2000, the Commission and staff embarked on a strategic planning process to identify how MCOLES in conjunction with MJTC should direct and manage organizational resources to better accomplish its mission over the next 3-5 years.

The proposed strategic plan was reviewed with the staff, training directors, and the Administrative Rules Steering Committee. Out of these discussions, staff proposed three core program areas that would serve as the conceptual foundation for the MCOLES strategic plan which was adopted by the MCOLES Commission at its October 12, 2000, meeting. The three core areas are modernization of training/testing, enhancement of law enforcement certification, and development of in-service training.

A **MOTION** was made by Director Bob Denslow and supported by Chief Jeffrey Werner to continue with the implementation of the MCOLES Strategic Plan as approved by the prior MCOLES Commission.

A **VOTE** was taken. The **MOTION** carried.

Mr. Nash explained that the staff will research the most effective way to achieve these goals and bring proposals before the Commission for consideration and subsequent approval sometime in 2002.

Identification of Major Initiatives/Goals Over Next Year – The Commission discussed their goals and priorities for staff over the next year:

- Revamp competitive grants process: This would be a priority for staff and needs to be researched and recommendations brought before the Commission in the next four months.

- In-service mandatory training options: Mr. DeVries indicated that this issue should not be addressed until a funding source is secured. The Commission discussed the use of 60% funds for mandatory training. A lot of agencies would train beyond the mandatory standards and may not want the money earmarked for specific training. Sheriff Zavislak suggested that staff and the Commission not hold up this process due to lack of funding. Some agencies are conducting the training already. Based on the strategic plan, staff will conduct research and present a plan and options to the Commission.

- Creating a secure, sustaining non-political adequate funding base

-Upgrading law enforcement certification, initial/final, and a review of all selection standards: By this time next year staff will suggest a course of action and the Commission should be able to adopt an implementation plan.

-Modernization of testing and training, adult learning model

A **MOTION** was made by Sheriff Tom Edmonds and supported by Officer Rich Weaver to adopt the goals for 2002 as presented by staff.

A **VOTE** was taken. The **MOTION** carried.

Grant Process – Sheriff Rosema explained how the Commission would proceed on December 13th. He asked that staff ensure there was adequate space for the meeting should most of the grant applicants attend.

The following process was developed by the Commission to follow on December 13th:

Introduction of Ray Beach by Vice-Chair Waalkes

- Background on grant process
- Current proceedings (same as previous year)
- Limited funds available and explain the options if adjustments are made and why some grants have more funding than others

Process – Vice-Chair Waalkes

- Explain that only one person per grant may address the Commission
- Explain if a grant applicant is satisfied with the grant status as reported, there is no need for public comment
- Each person will be limited to three minutes to allow all an opportunity to be heard
- Grant applicants that wish to speak will be called down to the designated front row per each block of grants

Ray Beach announces the blocks

- Name of Applicant Agency
- Project Title
- Requested Amount
- Recommended Amount

For each block, Chairman Rosema/Vice-Chair Waalkes asks who wishes to speak on behalf of their grant application.

During the presentations, the Commission remains silent.

Chairman Rosema/Vice-Chair Waalkes will ask at the end of the block if the Commission has any questions or comments specific to any of the grants in that block.

If a Commission Member asks for any deletions or additions to a specific grant in the block, Chairman Rosema/Vice-Chair Waalkes will ask for comments/questions of the rest of the Commission. If no one else responds, the issue is dead.

Chairman Rosema/Vice-Chair Waalkes will thank that group and the next block will be called up.

At the completion of all the blocks, a motion should be made for Ray and staff to return on December 20, 2001, with the necessary adjustments for the final awarding of the grants.

The Commission also discussed whether the Corrections Academy would qualify under the grant process. The law clearly states that required minimum basic training cannot be funded with 302 monies. It was determined that if attendance at a Corrections Academy was not mandatory, then it would be considered in-service training, therefore, it would qualify for funding.

Creation of By-laws – Mr. Mark Meadows reviewed the draft copy of the proposed by-laws distributed to the Commission Members. The following additions/deletions were made:

-Article II, Item A. - Added – The Executive Director of the Commission shall sit as an ex-officio member of the Commission and may participate in Commission discussions.

-Article IV, Item F., 4) – Added – Each comment will be limited to three minutes but may be waived by the Chair.

-Article IV, Item H. – Deleted – Referred to Alternates

-Article IV, Item I – Deleted – All members of the Commission shall attend regular meetings of the Commission. A Commissioner absence from a regular meeting of the Commission will be excused when notice of the intended absence has been given to the Chair and the Chair excuses the absence.

-Article IV, Item J – Added – In so far as practicable and as interpreted by the presiding officer.

A **MOTION** was made by Sheriff Hank Zavislak and supported by Chief Jeffrey Werner to adopt the MCOLES by-laws as modified by the Commission.

A **VOTE** was taken. The **MOTION** carried.

Meeting Schedule for 2002 – Mr. Beach explained that the proposed meeting schedule for 2002 had been revised and will be discussed at the December 20, 2001, Commission Meeting.

Meetings Content – Mr. Beach explained that the process for Grant Adjustment Requests and Special Use Requests would be streamlined in the near future. At the next Commission Meeting the members could review and consider these items as consent agenda items.

A **MOTION** was made by Mr. Doug Mullkoff and supported by Sheriff Tom Edmonds to move the Grant Adjustment Requests and Special Use Requests to the consent agenda for the December 13, 2001, Commission Meeting.

A **VOTE** was taken. The **MOTION** carried.

MISCELLANEOUS:

Acceptance of the November 6, 2001 Meeting Minutes:

A **MOTION** was made by Sheriff Tom Edmonds and supported by Director Robert Denslow to accept the minutes of the November 6, 2001, Commission Meeting, as written.

A **VOTE** was taken. The motion carried.

Appointments to the Executive Committee:

Sheriff Rosema explained that the Executive Committee consists of the Chair, Vice-chair, immediate past Chair, and the representative from Michigan State Police (MSP). Since the immediate past Chair was no longer on the Commission and the MSP representative was serving as the Vice-chair, two members would need to be appointed. Sheriff Rosema appointed Mr. Jim DeVries, and Director Robert Denslow to serve on the Executive Committee.

A **MOTION** was made by Mr. John Buczek and supported by Sheriff Hank Zavislak to accept the appointments to the Executive Committee made by Sheriff Rosema.

A **VOTE** was taken. The motion carried.

Sheriff Edmonds stated that Retired Chief Dean Fox, a former Commission Member, had recently passed away. He asked that staff prepare a resolution to be presented to the family.

A **MOTION** was made by Sheriff Tom Edmonds and supported by Director Robert Denslow to have a resolution prepared by staff and presented to the family of Retired Chief Dean Fox.

A **VOTE** was taken. The motion carried.

Sheriff Zavislak explained that he was recently contacted by an academy pre-service graduate regarding the timelines on his law enforcement certifiability. He is in the service and was recently called up for duty and was concerned about his time limit for certification. Mr. Beach explained that in the past, the Commission has waived the time limits on an individual called up for duty. His time limit will continue when he has completed his service in the military. Mr. Meadows indicated that he will research this issue and report back to the Commission.

ADJOURNMENT:

A **MOTION** was made by Sheriff Hank Zavislak and supported by Mr. Jim DeVries to adjourn the meeting at 11:00 a.m.

A **VOTE** was taken. The **MOTION** carried.

APPROVED BY _____ ON _____

WITNESSED BY _____ ON _____